

Application No. 09/638,265
Amendment "E" dated July 19, 2005
Reply to Office Action mailed April 19, 2005

REMARKS

The remarks and the accompanying amendments are responsive to the Office Action made final mailed April 19, 2005 (hereinafter referred to as the "Office Action"). Claims 1-17 remain pending for consideration by the Examiner, and stand rejected. Specifically, Claims 1-17 (of which Claims 1, 9 and 10 are independent) are rejected under 35 U.S.C. 103(a) as being unpatentable over United States patent number 5,293,640 (hereinafter referred to as "Gunmar") in view of United States patent publication number 2003/0198203 (hereinafter referred to as "Antonio"). The applicants respectfully traverse and request consideration for at least the following reasons.

As recited in each of the independent claims 1, 9 and 10, a mean and variance is calculated of applied traffic at a single base station from traffic intensity data of each of a plurality of subdivisions and transmission power data (of a base station and/or a mobile station) of each of the plurality of subdivisions.

The Office Action rightfully acknowledges that Gunmar fails to teach the calculation of a means and various from transmission power data and the traffic intensity data. Therefore, Gunmar also fails to teach or suggest that a mean and variance is calculated of applied traffic at a single base station from traffic intensity data of each of a plurality of subdivisions and transmission power data (of a base station and/or a mobile station) of each of the plurality of subdivisions as recited in each independent Claim 1, 9 and 10.

Antonio also does not teach or suggest this feature. Specifically, in Antonio, a base station actually measures a mean and variance of resulting interference, and determines

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acceptance of calls based on the measurement result. Therefore, Antonio does not disclose the above-mentioned recited feature either.

Therefore, Gunmar and Antonio, even if combined, fail to teach or suggest all of the recited elements of any of the independent Claims 1, 9 and 10. The applicants do not now provide arguments against the combination of Gunman and Antonio since even the combination does not teach or suggest all of the recited features. The remaining claims are dependent, and are not unpatentable over the combination at least for the reasons provided for their corresponding independent claim. Therefore, withdrawal of the 35 U.S.C. 103(a) rejection of Claims 1-17 is appropriate and is requested.

Further, as recited in each of the independent Claims 1, 9 and 10, a mean and variance is calculated of applied traffic at a single base station from transmission power data and traffic intensity data of a plurality of subdivisions. In Gunmar, considering that the interference power varies in dependence on the instantaneous position of the interfering mobile unit and these different interference power results can be statistically characterized by means of a distribution function, the mean value and deviation for the true distribution of the interference values are calculated instead of the distribution function to simulate the interference powers by the generator (see column 6, line 26 to column 7, line 24).

However, the calculation of the mean value and the deviation is based on the measurement results of a plurality of interference powers from the mobile unit in a single "coverage area" which corresponds to a single "subdivision" of the present invention of claims 1-17. Therefore, differing from the present invention of claims 1-17, Gunmar does not calculate a mean and variance of applied traffic at a single base station from transmission power data and traffic intensity data of a plurality of subdivisions (coverage areas). Antonio also does not

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disclose this recited feature. Thus, for this independent reason as well, the rejection should be withdrawn.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 19th day of July, 2005.

Respectfully submitted,



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